

AFFIDAVIT

I, Jesse K. Gambs, a Task Force Officer (TFO) of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Department of Justice, being duly sworn under oath, hereby depose and state:

1. I am a law enforcement officer of the United States, and under 18 U.S.C. § 3051. I am empowered by the Attorney General to conduct investigations, enforce criminal, seizure, and forfeiture provisions of the laws of the United States, carry firearms, serve warrants and subpoenas issued under the authority of the United States, make arrests without a warrant for any offense against the United States committed in my presence, and make arrests for a felony offense under the laws of the United States if there are reasonable grounds to believe that the person to be arrested has committed or is committing such a felony.

2. I am employed as a TFO with ATF and have been so since June 2019. I attended ATF Task Force Officer training December 3, 2019 - December 6, 2019, at ATF Headquarters located at 99 New York Avenue, NE Washington, DC 20226. There, I received training about various topics including federal law as it pertains to possession of and trafficking in firearms.

3. I am also currently employed as a Police Officer with the Canton Police Department (CPD) located in Canton, Ohio. I became a sworn officer with CPD on April 19, 2013. I began my time with CPD as a uniformed patrol officer before being selected for the CPD VICE unit in or around August 2014. I spent approximately five years with the CPD VICE unit before becoming sworn with the ATF as a full time TFO. The CPD VICE unit is a plain clothes unit that specializes in investigating drug and firearm trafficking crimes as well as crimes of violence.

4. I am submitting this affidavit in support of a Criminal Complaint and an Application for an Arrest Warrant pursuant to Rules 3 and 4 of the Federal Rules of Criminal Procedure and 18

U.S.C. 3051, authorizing the arrest of Jamarius TATE, DOB: **/**/1997.

5. The facts contained in this Affidavit are based upon my personal knowledge of the investigation, in addition to my general knowledge, training, and experience, and the observations, knowledge, training, and experience of other officers and agents. All observations referenced below that were not personally made by me, were relayed to me by those who made such observations, either verbally or via reports written by those agents and/or officers.

6. This Affidavit contains information necessary to support probable cause for this application. It is not intended to include each, and every fact and matter observed by me or law enforcement or known to the government or serve as verbatim or transcribed accounts of interviews referenced in the affidavit.

PROBABLE CAUSE

7. On or about May 10, 2024, at approximately 8:10 P.M., Canton Police Department (CPD) Officers Thomas and Hampton, while operating marked CPD cruiser 45 attempted to stop a vehicle for a traffic violation in which TATE was a passenger. CPD Officer Herrera, who was working in a separate unmarked vehicle, was able to confirm TATE as an occupant in the vehicle before the stop was attempted. Herrera is familiar with TATE due to previous interactions with him (TATE). At that time, officers were able to observe the vehicle to be a Mercury with a Michigan license plate.

8. Shortly after observing the vehicle commit a turn signal violation, Officers Thomas and Hampton actuated the overhead lights of CPD cruiser 45 and attempted to perform a traffic stop. The vehicle initially slowed down, then fled at a high rate of speed northbound from in or about the 1700 block of Maple Avenue NE Canton, in the Northern District of Ohio, Eastern Division.

9. Officers Thomas and Hampton did not pursue the vehicle but radioed to all other CPD officers in the city the direction of the vehicle and the known occupants. Shortly after radioing

this traffic, CPD K9 Officer Jeffries radioed that he had spotted TATE running in or about the 2100 block of Gross Avenue NE Canton, Ohio. Officer Jeffries further radioed that he could observe TATE with a firearm in TATE'S hand. Officer Jeffries also observed TATE with a backpack. Officer Jeffries caught up to TATE right as he (TATE) had jumped over the fence around the backyard of a residence located at 1621 22nd Street NE Canton. Officer Jeffries ordered TATE to climb back over the fence to the other side where Officer Jeffries was located. TATE did surrender as Officers Zernechel and Brown arrived to assist with taking TATE into custody. During review of available body camera videos, Officer Jeffries can then be seen climbing the same fence into the backyard that TATE was in (1621 22nd St NE). In plain view, in the backyard was a backpack. This backpack was the same backpack observed by Jeffries on TATE's person. Items found in that backpack include: two loaded Glock magazines compatible with a Glock model 22 firearm as well as a digital scale, individually packed bags of Marijuana and the state of Ohio identification card and Visa debit card both in the name of Jamarius TATE. The firearm TATE was observed with was found minutes later in the same back yard by Officer Brown. The firearm was found to be a Glock, Model 22, Caliber .40S&W, Serial ABC363. In the bodycam for Brown, he can be seen recovering the firearm with a loaded magazine and chambered round. It should also be noted that Officer Brown puts on latex gloves just before recovering the firearm.

10. The marijuana was sent to the Stark County Crime Lab (SCCL) for testing. Five separate bags of Marijuana were recovered from the backpack of TATE and the crime lab tested three of them. The three bags were found to contain 107.9 grams of Marijuana. Additionally, the vehicle in question was located by Officers Thomas and Hampton in the rear of an apartment building in or about the 1400 block of 20th St NE Canton, Ohio. The vehicle was found to be a Mercury Montego with Michigan plate #ESW4647. A check of the vehicle found it to be

registered to a Tariq Stinson. Stinson was also found and arrested near where the vehicle was abandoned. Stinson and TATE were both taken to CPD headquarters and Officer Herrera attempted to interview them. Both Stinson and TATE declined to speak with officers. Both were transported to Stark County Jail and TATE was booked on charges including (F3) Tampering with Evidence, (F3) Having Weapons Under Disability, (F4) Improper Handling of Firearms in a Motor Vehicle, (F5) Trafficking in Marijuana & (F5) Obstructing Official Business.

11. On or about May 21, 2024, TFO Gambs applied for and received a state of Ohio search warrant to obtain a DNA standard from TATE. The warrant was signed by the Honorable Judge Kristin Farmer in Stark County Common Pleas Court. On or about May 23, 2024, TFO Gambs then traveled to the Stark County Jail where TATE is currently located and served the DNA warrant on TATE. TFO Gambs took the DNA standard obtained from TATE and DNA swabs taken from the Glock, Model 22, Caliber .40S&W, Serial ABC363 to the Bureau of Criminal Investigation (BCI) for comparison. It should be noted that DNA swabs from the firearm were taken by the SCCL during analysis of the recovered firearm. TFO Gambs took possession of the swabs only after the SCCL had completed their analysis.

12. On or about July 26, 2024, TFO Gambs received a report from BCI stating that the DNA of TATE was confirmed to have been found on the Glock, Model 22, Caliber .40S&W, Serial ABC363. The report states that “The estimated frequency of occurrence of the major DNA profile is rarer than 1 in 1 trillion unrelated individuals.”

CRIMINAL HISTORY

13. TATE has previously been convicted of crimes punishable by imprisonment for terms exceeding one year, specifically: (F1) Aggravated Burglary in violation of Ohio Revised Code 2911.11(A)(2) and (F1) Aggravated Robbery in violation of Ohio Revised Code 2911.01(A)(1) in Stark County, Ohio Common Pleas Court, Case 2018CR1916E; (F4) Carrying

Concealed Weapons in violation of Ohio Revised Code 2823.12(A)(2) and (M1) Aggravated Menacing in violation of Ohio Revised Code 2903.21(A) in Stark County, Ohio Common Pleas court, Case 2015CR1793; and (F3) Having Weapons Under Disability in violation of Ohio Revised Code 2923.13(A)(2)(B), (F4) Carrying Concealed Weapons in violation of Ohio Revised Code 2923.12(A)(2)(F)(1), (F4) Improperly Handling Firearms in a Motor Vehicle in violation of Ohio Revised code 2923.16(B)(1) and (F4) Receiving Stolen Property in violation of Ohio Revised Code 2913.51(A)(1) in Stark County, Ohio Common Pleas court, Case 2023CR0018. TATE is currently under supervision by the State of Ohio Adult Parole Authority for his last conviction (2023CR0018). The the conditions of supervision agreed to and signed by both TATE and Parole officer Jack Gardner on November 22, 2023, prohibit TATE from possessing firearms and ammunition. Paragraph four of TATE's condition of supervision states "I will not purchase, possess, own, use, or have under my control, or knowingly or with reckless disregard have access to, any firearms, ammunition, dangerous ordnance, devices used to immobilize or deadly weapons, or any device that fires or launches a projectile of any kind. I will obtain written permission from the Adult Parole Authority prior to residing in a residence where these items are securely located." TATE knew he was convicted of these crimes and that they are punishable by more than one year.

INTERSTATE NEXUS

14. On August 08, 2024, I consulted with ATF SA Jason Petaccio, a Firearm Interstate Nexus Expert, regarding all of the above listed recovered firearms. SA Petaccio identified the firearms as manufactured outside of the State of Ohio. Thus, the recovered firearms had traveled in interstate and/or foreign commerce.

CONCLUSION

15. Based upon the above listed facts and circumstances, I assert there is probable cause

that:

A. On or about May 10, 2024, Jamarius TATE did unlawfully, knowingly possess a firearm, in and affected interstate or foreign commerce, after having been convicted of a crime punishable by imprisonment for a term exceeding one year, in violation of Title 18 U.S.C. Section 922(g)(1) Possession of a Firearm and Ammunition by a Felon.



Jesse K. Gambs, Task Force Officer (TFO)
Bureau of Alcohol, Tobacco, Firearms and
Explosives (ATF)

Subscribed and sworn to me this 12th day of August 2024 via telephone after submission by reliable electronic means. FED. R. CRIM. P. 4.1 and 41(d)(3).



Amanda M. Knapp
U.S. Magistrate Judge